

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

GRACE MARIE LOPEZ,

Defendant.

DECISION AND ORDER

22-MJ-571

23-MR-6014

Defendant Grace Marie Lopez (“Lopez”) is charged with a narcotics violation. Lopez has retained attorney William Michael Swift, Esq. to represent her in the matter. The Government raised a potential conflict issue concerning that representation.

The matter was assigned to United States Magistrate Judge Mark W. Pedersen and he has taken thorough and careful steps to explore a potential conflict under the directives of *United States v. Curcio*, 680 F.2d 881 (2d Cir. 1982). The Magistrate Judge appointed separate counsel, Avik K. Ganguly, Esq., to represent Lopez and advise her on the potential conflict issues. Magistrate Judge Pedersen has written a thorough Report and Recommendation (22-MJ-571, Dkt. #20; 23-MR-6014, Dkt. #1), recommending that attorney William Michael Swift continue to represent Lopez in the case and, furthermore, that Lopez made a knowing and intelligent waiver of any potential conflict. No objection has been filed to the Magistrate Judge’s Report and Recommendation. The transcripts of the several court proceedings involving the *Curcio* issue have been prepared and I have reviewed them.

I concur with the Magistrate Judge that the issue has been thoroughly explored and Lopez has been advised of the potential conflict which appears in this case to be rather minimal since it appears that the matter may be headed for a predisposition rather than a trial.

CONCLUSION

I accept and adopt the Report and Recommendation of United States Magistrate Judge Mark W. Pedersen and find no basis to relieve retained counsel William Michael Swift in this case.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", is positioned above a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
February 28, 2023.